

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

UNITED STATES OF AMERICA)	
)	CRIMINAL ACTION NO.
v.)	2:18cr19-MHT
)	(WO)
TRAVYUIS DORAL COKELY)	

OPINION AND ORDER

This cause is before the court on defendant Travvyuis Doral Cokely's oral motion to continue. For the reasons set forth below, the court finds that jury selection and trial, now set for November 5, 2018, should be continued pursuant to 18 U.S.C. § 3161(h)(7).

While the granting of a continuance is left to the discretion of the trial judge, see *United States v. Stitzer*, 785 F.2d 1506, 1516 (11th Cir. 1986), the court is limited by the requirements of the Speedy Trial Act, 18 U.S.C. § 3161. The Act provides in part:

"In any case in which a plea of not guilty is entered, the trial of a defendant charged in an information or indictment with the commission of an offense shall commence within seventy days from the filing date (and making public) of the information or indictment, or from the date the defendant has appeared before a

judicial officer of the court in which such charge is pending, whichever date last occurs."

§ 3161(c)(1). The Act excludes from the 70-day period any continuance based on "findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." § 3161(h)(7)(A). In granting such a continuance, the court may consider, among other factors, whether the failure to grant the continuance "would deny counsel for the defendant ... reasonable time necessary for effective preparation, taking into account the exercise of due diligence." § 3161(h)(7)(B)(iv).

The court concludes that, in this case, the ends of justice served by granting a continuance outweigh the interest of the public and Cokely in a speedy trial. A discovery dispute between the parties has arisen that will likely lead to further submissions by both parties in the case. Given that the parties will require additional time to resolve this discovery dispute and that the court will, in turn, require further time to

consider the parties' submissions, it is likely that the November 5 trial date will not provide the parties with sufficient time to prepare for trial. The government does not object to a continuance.

In light of the above reasons, the court concludes that a continuance is warranted to enable Cokely to prepare effectively for trial.

Accordingly, it is ORDERED as follows:

(1) Defendant Travvuis Doral Cokely's oral motion to continue (doc. no. 68), made on the record on October 30, 2018, is granted.

(2) The jury selection and trial, now set for November 5, 2018, are reset for February 4, 2019, at 10:00 a.m., in Courtroom 2FMJ of the Frank M. Johnson Jr. United States Courthouse Complex, One Church Street, Montgomery, Alabama.

DONE, this the 31st day of October, 2018.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE